

REMARKS

Applicant is in receipt of the Office Action mailed March 14, 2002.

Claims 1-44 were pending in the parent application. Claims 1, 10, 25, 35, 40, 42, 43, and 44 have been amended, and claims 45-88 have been added. Therefore claims 1-88 remain pending in the application.

Section 112 Rejection

Claims 4, 5, 6, 10, 19, 25-27, 31, 37, 41, and 43 are rejected under 35 U.S.C. 112, second paragraph, as "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

The term "proximate" in claims 4, 5, 6, 10, 19, 25-27, 31, 37, 39, 41, and 43 was interpreted by the Office Action as a relative term which renders the claim indefinite.

Applicant respectfully disagrees with the Office Action. Applicant refers to MPEP 2173.05(b) which states that

"The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. Section 112. . . . Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification."

Applicant submits that one of ordinary skill in the art would understand what is claimed in the claims above. The dictionary definition of "proximate" is "very near or close". Applicant has used the term "proximate" in the claims (e.g., in claim 4, "component selection images are visually depicted proximate to their respective locations on the image of the customized product") to mean that the two images or items are sufficiently close to each other that the user would understand a relationship, correspondence or association between the two. This is explained in the specification, which states that:

“Images of the customizable components of the product may be visually depicted on the client display in close proximity to their respective locations on the image of the customizable product displayed. . . . In one embodiment, the user may select a customizable component for configuration by selecting the visually displayed image of the customizable component, wherein the customizable components may be positioned on the image of the customizable product corresponding to their actual position in the system.” (Summary, page 3, emphasis added)

The specification has also used the term “close proximity” to be similar to “at”.

“The customizable components of the product may be visually depicted on the image of the customizable product, preferably in close proximity to or ‘at’ the respective location on the product displayed on the client system 106 screen.”

Thus, Applicant submits that the language is clear.

The term “substantially” in claim 6 is interpreted by the Office Action as a relative term which renders the claim indefinite.

Applicant respectfully disagrees with the Office Action. Applicant refers to MPEP 2173.05(b) which states that

“The term ‘substantially’ is often used in conjunction with another term to describe a particular characteristic of the claimed invention.. The court held that the limitation ‘which produces substantially equal...’ was definite because one of ordinary skill in the art would know what was meant by ‘substantially equal.’...”

Applicant submits that one of ordinary skill in the art would understand what is claimed in the claims above. Applicant has used the term ‘substantially’ in claim 6 (“wherein the image of the customized product appears substantially like the purchased product”) to describe similarity between the customized product and the purchased

product in order for the customer to verify that the customized product looks sufficiently similar to the purchased product.

This is explained in the specification, which states that:

“The client system 106 may receive and display an image substantially like the current configured product, including an image of the first customizable component selection for the first customizable component, for user verification, etc.” (Detailed Description of the Invention, page 13, emphasis added)

Thus, Applicant submits that the language is clear.

In view of the above remarks, Applicant respectfully requests that the 35 U.S.C. 112 rejection be lifted. Applicant again notes MPEP 2173.05(b) and notes where the term “substantially” is addressed (Section D). Applicant notes that several court decisions have held the term “substantially” to be definite. Applicant submits that the term “substantially” is definite here “because one of ordinary skill would know what was meant”.

Section 103 Rejection

Claims 1-44 stand rejected under U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent Number 6,167,383) in view of Motomiya et al. (U.S. Patent Number 6,083,267). Applicant asserts that the present claims are patentable in light of the following remarks.

To establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so.

Claims 1-44

Independent claims 1, 10, 25, 35, 40, 42, 43, and 44 have been amended. The amended independent claims now describe the customizable product by:

“customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices”

Henson discloses a method for providing customer configured machines at an internet site. Henson in the abstract does teach a web-based online store including a configurator, a cart, a checkout, a database, and a user interface enabling a custom configuration of a computer system. However, Henson does not teach or suggest displaying an image of the customized product to the client system wherein the image of the customized product visually depicts the customizable component selections of the user at their respective locations on the image of the customized product.

Motomiya teaches a method for designing jewelry, such as a necklace or a bracelet. Motomiya teaches display of a multiplicity of photographic images of various jewelry components, from which the user may select desired jewelry components to design a necklace or bracelet.

In addition, Motomiya in column 3, line 65 through column 4, line 4 teaches system with:

“a multitude of photographic images of the various parts making up the accessory constituting the particular commodity to enable the customer to design it by himself/herself.”

In column 4, lines 30-44, Motomiya teaches that :

“the material, the color and the length of the equipment, the color of the fasteners and the color of the beads are presented for selection as parts required for designing the necklace or the bracelet.”

In other words, Motomiya teaches selection of accessories for a jewelry item being designed such as a bracelet.

The jewelry design taught in Motomiya is significantly different from configuring a customizable product which includes one or more customizable components, wherein the customizable product comprises two or more electronic devices. Hence Motomiya

does not teach nor suggest configuring a customizable product which includes two or more electronic devices.

In contrast, in claim 1 Applicant describes a method for:

“enabling a user to configure a customizable product in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method comprising:

receiving a request from a user of the client system to purchase the customizable product, wherein the customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices;

providing customizable component options of the customizable components to a client system for display after receiving said request;

receiving customizable component selections for at least one of the one or more customizable components of the customizable product in response to user input, wherein the customizable component selections applied to the customizable product specify a customized product; and

providing an image of the customized product to the client system for display, wherein the image of the customized product visually depicts the customizable component selections of the user.

In other words, Applicant describes a system where the user can configure a customizable product, where the customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices. Motomiya does not teach nor suggest this feature.

Finally, Applicant respectfully submits that neither Henson nor Mitomiya teaches or suggests the limitations of claim 1. Therefore, for the reasons given above, the cited art cannot be combined to teach the limitations of the presently claimed case.

Thus Applicant respectfully submits that claim 1 of the present application is allowable. In view of the similarity of claims 10, 25, 35, 40, 42, 43, and 44 to the base claim 1, the arguments advanced above apply with equal force to claims 10, 25, 35, 40,

42, 43, and 44. Because claims 2-9, 11-24, 26-34, 36-39, and 41 depend from independent claims 1, 10, 25, 35, and 40, they are allowable for at least the reasons given above.

Claims 45-66

Applicant has added new claims 45-66, which recite a method for enabling a user to configure a measurement system in an e-commerce system. Applicant respectfully submits that neither Henson nor Mitomiya teaches or suggests the limitations presented in these claims.

Claims 67-88

Applicant has added new claims 67-88, which recite a method for enabling a user to configure a computer system in an e-commerce system. Applicant respectfully submits that neither Henson nor Mitomiya teaches or suggests the limitations presented in these claims.

CONCLUSION

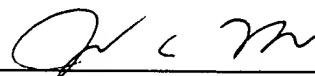
Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Conley, Rose, & Tayon, P.C. Deposit Account No. 50-1505/5150-40800/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Check in the amount of \$ for fees ().
- ☐ Other:

Respectfully submitted,



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MARKED UP VERSION OF AMENDED CLAIMS

1. (Amended) A method for enabling a user to configure a customizable product in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method comprising:

receiving a request from a user of the client system to purchase the customizable product, wherein the customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices;

providing customizable component options of the customizable components to a client system for display after receiving said request;

receiving customizable component selections for at least one of the one or more customizable components of the customizable product in response to user input, wherein the customizable component selections applied to the customizable product specify a customized product; and

providing an image of the customized product to the client system for display, wherein the image of the customized product visually depicts the customizable component selections of the user.

25. (Amended) A method for enabling a user to configure a customizable product in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method comprising:

receiving a request from the user to purchase the customizable product, wherein the customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices;

providing an image of the customizable product to the client system for display after receiving the request, wherein images of at least a subset of the one or more customizable components are visually depicted proximate to their respective locations on the image of the customizable product;

receiving customizable component selections for at least one of the one or more customizable components of the customizable product, wherein said receiving customizable component selections includes receiving user input selecting the images of one or more of the customizable components.

35. (Amended) A method for enabling a user to configure a customizable product in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method comprising:

the client system providing a request to the electronic commerce server to purchase a customizable product, wherein the customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices;

the client system displaying customizable component options of the one or more customizable components after providing the request;

the client system providing customizable component selections for at least one of the one or more customizable components of the customizable product to the electronic commerce server, wherein the customizable component selections applied to the customizable product specify a customized product; and

the client system displaying an image of the customized product, wherein the image of the customized product visually depicts the customizable component selections of the user.

40. (Amended) A method for enabling a user to configure a customizable product in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method comprising:

the client system providing a request to the electronic commerce server to purchase a customizable product, wherein the customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices;

the client system displaying an image of the customizable product after receiving the request, wherein images of at least a subset of the one or more customizable components are visually depicted proximate to their respective locations on the image of the customizable product;

the client system providing selections for at least one of the one or more customizable components of the customizable product to the electronic commerce server, wherein said providing selections includes providing user input selecting the images of the customizable components.

42. (Amended) A server system for enabling a user to configure a customizable product in an e-commerce transaction, the system comprising:

a processor;

a memory operatively coupled to said processor;

an input for coupling to a network, wherein the input is operable to receive a request from a user of the client system to purchase a customizable product, wherein the customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices;

a computer program stored in said memory, and wherein said computer program is executable to provide one or more customizable component selections of the customizable components to a client system for display after receiving said request;

wherein the input is further operable to receive customizable component selections from a user for at least one of the one or more customizable components of the customizable product, wherein the customizable component selections applied to the customizable product specify a customized product; and

wherein the computer program is further executable to provide an image of the customized product to the client system for display, wherein the image of the customized product visually depicts the customizable component selections of the user.

43. (Amended) A server system for enabling a user to configure a customizable product in an e-commerce transaction, the system comprising:

a processor;

a memory operatively coupled to said processor;

an input for coupling to a network, wherein the input is operable to receive a request from the user to purchase a customizable product, wherein the customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices;

a computer program stored in said memory, and wherein said computer program is executable to provide an image of the customizable product to the client system for display after receiving the request, wherein images of at least a subset of the one or more customizable components are visually depicted proximate to their respective locations on the image of the customizable product;

wherein the input is further operable to receive:

user input selecting the images of the customizable components; and

selections for at least one of the one or more customizable components of the customizable product.

44. (Amended) A memory medium comprising program instructions for enabling a user to configure a customizable product in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, wherein the program instructions are executable to implement:

receiving a request from a user of the client system to purchase the customizable product, wherein the customizable product includes one or more customizable components, wherein the customizable product comprises two or more electronic devices;

providing customizable component options of the customizable components to a client system for display after receiving said request;

receiving customizable component selections for at least one of the one or more customizable components of the customizable product in response to user input, wherein the customizable component selections applied to the customizable product specify a customized product; and

providing an image of the customized product to the client system for display, wherein the image of the customized product visually depicts the customizable component selections of the user.